

REMARKS

Claims 1-30, 34 and 36 were previously canceled in the application by earlier amendments thereto. Claims 31-33, 35 and 37 are canceled in the present Amendment, as indicated above. Substitute claims 38-43, including independent claims 38 and 43, have accordingly been added in the present Amendment. No additional claim fee is believed to be necessary for added claims 38-43. However, authorization is granted to charge our deposit account no. 18-1644 for any fees, if necessary, for entry of this Amendment.

In addition, based upon the Notice of "Amendments in a Revised Format Now Permitted" published by the USPTO on January 31, 2003 waiving the provisions of 37 CFR § 1.121(a), (b), (c) and (d), the present Amendment is submitted as being compliance therewith.

In the Office Action, the Examiner states that independent claim 37 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, it is noted that canceled claim 37 does not recite "that the second digital information is lower rate than the first digital information" as noted by the Examiner in the Office Action on page 2, paragraph 1. Rather, such language is found in dependent claim 36 which was canceled in the "Amendment After Final Under 37 CFR 1.116" filed on October 22, 2002 and which was subsequently entered by the Examiner in the Office Action mailed January 27, 2003. Accordingly, based upon this prior cancellation as well as the cancellation of independent claim 37, the rejection thereto is submitted as being moot.

In the Office Action, claims 31 and 35-37 were rejected under 35 U.S.C. § 102(e) as

being anticipated by Enari et al., U.S. Patent No. 4,862,292. Dependent claim 32 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over the Enari et al. reference in view of Official Notice and dependent claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Enari et al. reference in view of Yoshimura et al., U.S. Patent No. 5,012,352. Based upon the cancellation of claims 31-33, 35 and 37 in the present Amendment and the previous cancellation of claim 36, the rejections thereto are submitted as being moot. With respect to the newly added claims, insofar as the rejections may be applied thereto, these rejections are respectfully traversed and reconsideration is requested.

With attention to newly added independent claims 38 and 43, they are directed to a digital information coding apparatus and method thereof, respectively, comprising an input unit or step for selectively inputting first digital information data and second digital information data, one sample of each of which is expressed with N bits, an encoder or step arranged to encode the first digital information data to generate third digital information data, one sample of which is expressed with M bits ($M < N$), a converter or step arranged to convert the third digital information data into fourth digital information data, plural samples of which are expressed with N bits, by combining plural samples of the third digital information data, and an error correction unit or step arranged to selectively add an error correction check code to the second digital information data and the fourth digital information data and performing a common processing irrespective of such second and fourth digital information data. The Enari et al. reference and the Yoshimura et al. reference, either alone or in combination, fail to disclose or suggest the digital information coding apparatus or method, as claimed.

Particularly, neither reference discloses a converter or converting step that enables the error correction process to be executed with respect to two digital information data, where one sample of one of the two digital information data is expressed with a different number of bits than one sample of the other of the two digital information data. Particularly, the references fail to disclose or suggest the claimed converter or converting step whereby third digital information data is converted into fourth digital information data by combining plural samples of the third digital information data.

Although the Examiner suggests that the Enari et al. reference discloses "a converting mean (20)", the composition circuit (20) of Enari et al. is in the process of combining information data of a plurality of channels of which the content of information is different and does not disclose or suggest a converter for converting third digital information data into fourth digital information data by combining plural samples of a third digital information data, as claimed in the present invention. Accordingly, the newly added independent claims are submitted as being patentable based upon the Enari et al. reference not disclosing or suggesting the claimed apparatus and method within the meaning of Section 102.

It is noted that in the Office Action, canceled dependent claim 32 was rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over the Enari et al. reference in view of Official Notice. Insofar as the rejection thereof may be applied to newly added dependent claim 39, the rejection is respectfully traversed and reconsideration is requested. Particularly, with reference to the above argument concerning independent claim 38 and the Enari et al. reference, it is submitted that the Enari et al. reference also does not disclose or suggest the

apparatus of dependent claim 39. In addition, with respect to the Examiner's reliance on Official Notice, insofar as such may be applicable to newly added claim 39, it is requested that the Examiner provide a reference to support such reliance on Official Notice.

With respect to canceled dependent claim 33 which was rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over the Enari et al. reference in view of the Yoshimura et al. reference, insofar as the rejection thereof may be applied to newly added dependent claim 40, the rejection is respectfully traversed and reconsideration is requested. Particularly, with reference to the above argument concerning independent claim 38 and the Enari et al. reference, it is submitted that the Enari et al. reference also does not disclose or suggest the apparatus of dependent claim 40. The secondary reference, Yoshimura et al., also does not disclose or suggest the apparatus, as claimed, particularly the claimed converter. Furthermore, even if the digital information signal recording apparatus of Enari et al. were combinable with the digital signal recording apparatus time-division multiplexing video and audio signals of Yoshimura et al., such would not result in the present claimed invention of dependent claim 40. Particularly, based upon the patentability of the independent claims, the newly added dependent claims are also submitted as being patentable since they differ in scope from the parent independent claims.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicant's counsel at (212) 682-9640.

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Respectfully submitted,



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